

State Water Resources Control Board

January 31, 2019

System No. 1000593

Dianne Nury, Owner
Vie-Del Company
P.O. Box 2908
Fresno, CA 93745

COMPLIANCE ORDER NO. 03-23-19R-002 1,2,3-TRICHLOROPROPANE (1,2,3-TCP) MAXIMUM CONTAMINANT LEVEL VIOLATION

Enclosed is Compliance Order No. 03-23-19R-002 (hereinafter "Order") issued to the Vie-Del Company (hereinafter "Water System") public water system. **Please note there are legally enforceable deadlines associated with this Order starting on page 4 of the Order.**

The Vie-Del Company will be billed at the State Water Resources Control Board's (hereinafter "State Water Board") hourly rate for the time spent on issuing this Order. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with an order. At this time, the State Water Board has spent approximately 2 hours on enforcement activities associated with this violation.

The Vie-Del Company will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Vie-Del Company for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the state board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

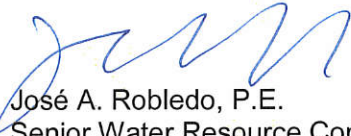
Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the state board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact Rakel Hairabedian of my staff at 559 - 447-3394 or me at 559-447-3300.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JAR', is positioned above the printed name.

José A. Robledo, P.E.
Senior Water Resource Control Engineer, Fresno District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Certified Mail No. 7018 0040 0000 3159 9630

JAR/rah
Enclosures
cc: Fresno County Division of Environmental Health

2
3 STATE OF CALIFORNIA
4 STATE WATER RESOURCES CONTROL BOARD
5 DIVISION OF DRINKING WATER
6

7 **Name of Public Water System:** Vie-Del Company

8 **Water System No:** 10000593
9

10 **Attention:** Dianne Nury, Owner
11 Vie-Del Company
12 Fresno, CA 93725
13

14 **Issued:** January 31, 2019
15

16 **COMPLIANCE ORDER FOR NONCOMPLIANCE**
17 **1,2,3-TCP MAXIMUM CONTAMINANT LEVEL VIOLATION**
18 **CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64444**
19 **First - Fourth Quarters 2018**
20

21 The California Health and Safety Code (hereinafter "CHSC"), Section 116655 authorizes the
22 State Water Resources Control Board (hereinafter "State Water Board") to issue a compliance
23 order to a public water system when the State Water Board determines that the public water
24 system has violated or is violating the California Safe Drinking Water Act (hereinafter "California
25 SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any
26 regulation, standard, permit, or order issued or adopted thereunder.

27 The State Water Board, acting by and through its Division of Drinking Water (hereinafter
28 "Division") and the Deputy Director for the Division, hereby issues Compliance Order No. 03-23-

19R-002 (hereinafter "Order") pursuant to Section 116655 of the CHSC to the Vie-Del Company (hereinafter "Water System") for violation of CHSC, Section 116555(a)(1) and California Code of Regulations (hereinafter "CCR"), Title 22, Section 64444 Maximum Contaminant Levels (hereinafter "MCL") – Organic Chemicals.

Applicable statutes and regulations can be found at:

http://www.waterboards.ca.gov/drinking_water/certilc/drinkingwater/lawbook.html

STATEMENT OF FACTS

The Water System is classified as a nontransient - noncommunity public water system with a population of 60 persons served through 2 service connections. The Vie-Del Company operates under Domestic Water Supply Permit No. 03-23-12P-019 issued by the State Water Board on March 23, 2012. The Water System utilizes 1 groundwater well as its source of domestic water: Well 03 (New South Well), and one standby well: Well 01 (North Well).

CHSC, Section 116555(a)(1) requires all public water systems to comply with primary drinking water standards as defined in CHSC, Section 116275(c). Primary drinking water standards include maximum levels of contaminants and the monitoring and reporting requirements as specified in regulations adopted by the State Water Board that pertain to maximum contaminant levels.

The State Water Board received laboratory results for 1,2,3-TCP samples for all four quarters in 2018. The two 1,2,3-TCP sample results for the first quarter were collected on February 14, 2018 and February 23, 2018 from Well 03 (New South Well). The average 1,2,3-TCP concentration from the two samples is 0.000025 mg/l. The second quarter 1,2,3-TCP sample result collected on June 27, 2018 is 0.000034 mg/l. The third quarter 1,2,3-TCP sample result collected on September 18, 2018 is 0.000021 mg/l. The fourth quarter 1,2,3-TCP sample result sampled on

December 13, 2018 is 0.000016 mg/l. A summary of the Water System's most recent 1,2,3-TCP monitoring results are presented in Table 1 below:

Table 1 –1,2,3-TCP Sample Results (mg/L)
(1,2,3-TCP MCL is 0.000005 mg/L)

Compliance Period	Sample Date	Result	Average
Well 03 (New South Well)			
2018 1 st Quarter	02/14/2018	0.000022	0.0000245
1 st Qtr confirmation 2018	02/23/2018	0.000027	
2018 2 nd Quarter	06/27/2018	0.000034	-
2018 3 rd Quarter	9/18/2018	0.000021	-
2018 4 th Quarter	12/13/2018	0.000016	-
Running Annual Average (RAA)			0.000024

* If any one sample or average of samples would cause the four quarter average (annual average) to exceed the MCL, the water system is immediately in violation.

DETERMINATION

CCR, Title 22, Section 64444, Maximum Contaminant Levels – Organic Chemicals states that public water systems shall comply with the primary MCLs established in table 64444-A. The MCL for 1,2,3-TCP is 0.000005 mg/L.

CCR, Title 22, Section 64445.1(c)(5)(C) Repeat Monitoring and Compliance – Organic Chemicals states that if any sample would cause the running annual average to exceed the MCL, the water system is immediately in violation. If a system takes more than one sample in a quarter, the average of all the results for that quarter shall be used when calculating the running annual average. If a system fails to complete four consecutive quarters of monitoring, the running annual average shall be based on an average of the available data.

The 1,2,3-TCP samples collected during all four quarters from Well 03 (New South Well) showed a running annual average 1,2,3-TCP concentration of 0.000024 mg/L. Therefore, the State Water Board has determined that the Water System has failed to comply with primary drinking water

standards pursuant to CHSC, Section 116555(a)(1) and the 1,2,3-TCP MCL pursuant to CCR, Title 22, Section 64444 during the **first through fourth quarters of 2018**.

Furthermore, this Order will extend to the Water System's additional sources in the event that a compliance determination is made by the State Water Board that the Water System fails to comply with primary drinking water standards pursuant to CHSC, Section 116555(a)(1) and the 1,2,3-TCP MCL pursuant to CCR, Title 22, Section 64444.

DIRECTIVES

To ensure that the water supplied by the Water System is at all times safe, wholesome, healthful, and potable, the Water System is hereby directed to take the following actions:

1. On or before **February 28, 2022**, comply with CCR, Title 22, Section 64444.
2. Quarterly sampling for 1,2,3-TCP from the New West Well 03 (New South Well) shall begin with the **first quarter of 2019** and shall continue every three months thereafter. The Water System shall ensure that the laboratory, which conducts the analysis, submits the analytical results electronically by State Water Board approved method no later than the 10th day following the month in which the analysis was completed.
3. By **February 28, 2019**, public notification to the customers of the Water System shall be conducted and shall continue every three months until the State Water Board determines that the 1,2,3-TCP contamination is resolved. Public Notification shall be conducted in conformance with CCR, Title 22, Sections 64463.4 and 64465. Appendix 1: Notification Template shall be used to fulfill this directive, unless otherwise approved by the State Water Board.

- 1 4. Complete Appendix 2: Certification of Completion of Notification Form. Submit it together
2 with a copy of the public notification conducted in compliance with the public notification
3 requirement listed above to the State Water Board within 10 days following each
4 notification.
5
- 6 5. Prepare for State Water Board approval, a Corrective Action Plan, identifying
7 improvements to the water system designed to correct the water quality problems
8 identified as an exceedance of the 1,2,3-TCP MCL and ensure that the Water System
9 delivers water to consumers that meets primary drinking water standards. The plan shall
10 include a time schedule for completion of each of the phases of the project such as design,
11 construction, and startup, and a date as of which the Water System will be in compliance
12 with the 1,2,3-TCP MCL, which date shall be no later than **February 28, 2022**.
13
- 14 6. On or before **April 30, 2019**, submit and present the Corrective Action Plan required under
15 Directive No. 5 above, to the State Water Board's office located at 265 West Bullard
16 Avenue, Suite 101, Fresno, CA 93704.
17
- 18 7. Perform the State Water Board approved Corrective Action Plan, and each and every
19 element of said plan, according to the time schedule set forth therein.
20
- 21 8. On or before **July 1, 2019**, and every three months thereafter, submit a progress report to
22 the State Water Board in the form provided as Appendix 3 showing actions taken during
23 the previous quarter (calendar three months) to comply with the Corrective Action Plan.
24
- 25 9. This Order and its directives shall become effective for any additional Water System
26 source(s) in the event that the State Water Board determines that other sources are in
27 violation of the 1,2,3-TCP MCL. The Water System should take into account that the

likelihood of this occurring is highly possible and include any additional sources in the Corrective Action Plan with an appropriate timeline.

10. Not later than ten (10) days following **February 28, 2022**, demonstrate to the State Water Board that the water delivered by the Water System complies with the 1,2,3-TCP MCL.

11. Notify the State Water Board in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if the Water System anticipates it will not timely meet such performance deadline.

12. By **March 10, 2019**, complete and return to the State Water Board the "Notification of Receipt" form attached to this Order as Appendix 4. Completion of this form confirms that the Water System has received this Order and understands that it contains legally enforceable directives with due dates.

All submittals, with exception of analytical results, required by this Order shall be electronically submitted to the State Water Board at the following address. The subject line for all electronic submittals corresponding to this Order shall include the following information: Water System name and number, compliance order number and title of the document being submitted.

José A. Robledo, P.E., Senior Water Resource Control Engineer
State Water Resources Control Board
Division of Drinking Water, Fresno District
265 W. Bullard Ave, Suite 101
Fresno, CA 93704

Dwpdist23@waterboards.ca.gov

The State Water Board reserves the right to make modifications to this Order as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be effective upon issuance.

Tricia A. Wathen

January 31, 2019
Date

Tricia A. Wathen, P.E., Chief
Central California Section
State Water Resources Control Board
Division of Drinking Water



Appendices 4:

1. Notification Template
2. Certification of Completion of Public Notification
3. Quarterly Progress Report
4. Notification of Receipt

Certified Mail No. 7018 0040 0000 3159 9630

APPENDIX 1. NOTIFICATION TEMPLATE

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Por favor hable con alguien que lo pueda traducir.

Vie-Del Company Has levels of 1,2,3-TCP Above Drinking Water Standards

Our water system recently failed a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Testing results we received on _____ [Insert date(s) or month, year] show that our system exceeds the standard, or maximum contaminant level (MCL), for 1,2,3-trichloropropane (1,2,3-TCP). The standard for 1,2,3-TCP is 0.000005 mg/L (milligrams per liter) which is equivalent to 0.005 ug/L (micrograms per liter). The average level of 1,2,3-TCP over the last year was _____ mg/L OR _____ ug/L.

What should I do?

- **You do not need to use an alternative (e.g. , bottled) water supply.**
- This is not an immediate risk. If it had been, you would have been notified immediately. However, *some people who drink water containing 1,2,3-trichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

What happened? What is being done? _____

[Describe corrective action] _____

We anticipate resolving the problem within [estimated time frame] _____.

For more information, please contact:

[Name of Contact] _____

[Phone Number] or _____

[Mailing Address] _____

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by Vie-Del Company in compliance with the California Domestic Water Quality and Monitoring Regulations as a means of keeping the public informed.

State Water System ID: 1000593.

Date distributed: _____

APPENDIX 2
CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

Compliance Order Number: 03-23-19R-002

Name of Water System: Vie-Del Company

System Number: 1000593

Attach a copy of the public notice distributed to the water system's customers.

This form, when completed and sent to dwpdist23@waterboards.ca.gov for the Division of Drinking Water, Fresno District 23, 265 W. Bullard Avenue, Suite 101, Fresno, CA 93704 serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public notification for failure to comply with the **1,2,3-TCP MCL** was conducted on:

Notification was made on _____ (date).

For the _____ [Insert month or quarter and year].

To summarize report delivery used and good-faith efforts taken, please check all items below that apply and fill-in where appropriate:

For Community and non-transient non-community public water systems

☐ The notice was distributed by mail or direct delivery to each customer on: _____

One or more of the following methods were used to reach persons not likely to be reached by a mailing or direct delivery or persons served by a transient public water system (renters, nursing home patients, prison inmates, etc.):

☐ Posted the notice at the following conspicuous locations served by the water system. (If needed, please attach a list of locations). _____

☐ Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).

☐ Posted the notice on the Internet at www. _____

☐ Other method used to notify customers. _____

I hereby certify that the above information is factual.

Certified by: Printed Name _____ Title _____

Signature _____

Date _____

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment

APPENDIX 3: QUARTERLY PROGRESS REPORT

Water System: Vie-Del Company	Water System No: 1000593
Compliance Order No: 03-23-19R-002	Violation: 1,2,3-TCP MCL
Calendar Quarter:	Date:

This form should be prepared and signed by Vie-Del Company personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, Fresno District 23 Office to the following email address: dwpdist23@waterboards.ca.gov titled appropriately.

Summary of Compliance Plan:

--

Tasks completed in the reporting quarter:

--

Tasks remaining to complete:

--

Anticipated compliance date:

--

Printed Name

Signature

Title

Date

APPENDIX 4 – NOTIFICATION OF RECEIPT

Compliance Order Number: 03-23-19R-002

Name of Water System: Vie-Del Company

System Number: 1000593

Certification

I certify that I am an authorized representative of the Vie-Del Company and that Compliance Order No. 03-23-19R-002 was received on _____. Further I certify that the Order has been reviewed by the appropriate management staff of the Vie-Del Company and it is clearly understood that Compliance Order No. 03-23-19R-002 contains legally enforceable directives with specific due dates.

Signature of Water System Representative

Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD,
DIVISION OF DRINKING WATER, NO LATER THAN March 10, 2019**

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.